

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MICHAEL MCGINNIS and CYNDY BOULTON, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

COMMUNITY.COM, INC.,

Defendant.

Case No. 2:23-cv-02426-SB-JPR

[PROPOSED] ORDER THAT COURT'S PRIOR ORDER DISMISSING CERTAIN CLAIMS APPLIES TO FIRST AMENDED COMPLAINT AND TO RESUBMIT COMMUNITY.COM'S FULLY BRIEFED MOTION TO DISMISS

The Court, having considered the Joint Stipulation that Court's Prior Order Dismissing Certain Claims Applies to First Amended Complaint and to Resubmit Community.com's Fully Briefed Motion to Dismiss, and finding good cause shown:

IT IS HEREBY ORDERED that:

1. The Court's Order Granting Stipulation to Dismiss Claims Based on Dismissal in Prior Related Action applies to Plaintiff's First Amended Complaint. The Causes of Action for Violations of CIPA, California Penal Code § 631, and for Violations of ECPA, 18 U.S.C. § 2511(1)(a), in the First Amended Complaint, are dismissed without leave to amend on the same terms and for the reasons stated in the Court's Order Granting

- 1 Stipulation to Dismiss Claims Based on Dismissal in Prior Related Action
2 (ECF No. 36);
3 2. Community's Motion to Dismiss and the Parties' briefing on that Motion
4 (ECF Nos. 32, 44, 47), are resubmitted as filed to be treated as a fully
5 briefed motion to dismiss the First Amended Complaint; and
6 3. Community's Motion to Dismiss the remaining claims in the First
7 Amended Complaint will be heard on September 15, 2023 at 8:30 a.m.

8 **IT IS SO ORDERED.**

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11 Dated: <Select>

12 Stanley Blumenfeld, Jr.
13 United States District Judge

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